THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11004 of 2006

15-06-2006

Between:-

Yeturu Hariprasada Reddy and another.

Petitioners

And

The District Collector, Nellore and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 11004 of 2006

Oral order:

The petitioners' lands in an extent of Ac.08-59 cents in survey Nos. 504-1, 504-3, 505-2, 506-2, 507-3, 507-A1 and 508-A1 situate at Vidavaluru village and mandal, Nellore district were proposed for acquisition for providing house sites to the weaker sections of the society and a draft notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was published on 28-04-2006 for the said purpose. By this notification, invoking the urgency clause under Section 17(4) of the Act, the inquiry under Section 5-A of the Act was dispensed with. No justification is discernable for invoking the urgency clause and dispensing with the inquiry under Section 5-A of the Act, when the land is proposed for acquisition for providing house sites to the weaker sections of the society. The salutary and statutory provisions of the Act provide for an opportunity

to object for acquisition of the lands by the owners of the lands which are proposed for acquisition need not be subverted in such circumstances. Declaration under Section 6 of the Act was also published on 17-05-2006.

In the circumstances, while setting aside the declaration under Section 6 of the Act made in respect of acquisition of the petitioners' lands above mentioned published on 17-05-2006, while declaring that the invocation of declaration is illegal, arbitrary and unjust, the respondents are directed to issue a notice to the petitioners under Section 5-A of the Act inviting their objections to the acquisition proceedings. On receipt of the objections, the same shall be considered and a decision thereon also be communicated to the petitioners along with the recommendations made pursuant to the inquiry under Section 5-A of the Act. The petitioners shall not be dispossessed pending communication of the decision to the petitioners consequent on the inquiry under Section 5-A of the Act

The writ petition is accordingly disposed of at the stage of admission after hearing the learned Government Pleader for Land Acquisition. No costs.

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GODA RAGHURAM, J

Dated:15-06-2006

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